

Amendment

Attorney Docket No. 024295-260

Serial No. 10/071,891

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Remarks/Arguments

Review and reconsideration on the merits are respectfully requested in view of the above amendments and the following comments. In order to expedite the allowance of the application, applicants have canceled the withdrawn claims directed to non-elected species of the invention. The applicants retain the right to present claims to the non-elected species in a divisional application.

Claims 1, 3, 4, 9-18 and 25-32 are now pending. Claims 2, 5-8, and 19-24 have been canceled. Claims 29-32 are new.

Claims 7 and 21 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Claims 7 and 21 have been canceled with this response thereby rendering the rejection moot.

Claim 15 stands rejected as being indefinite for failing to specify that the recited percentage of vegetable oil is by weight. Claim 15 has been amended to clearly indicate that the percentage of vegetable oil is on a by weight basis. Therefore, it is respectfully requested that the rejection of claim 15 be withdrawn.

Claims 1, 3, 12 and 13 stand rejected as being unpatentable over DD 92990. The '990 reference discloses mold release agents for concrete comprising 97-99% of a petroleum fraction mixed with 1-3% of an oleic acid and/or rapeseed oil. Accordingly, the '990 reference discloses the use of very small amounts of vegetable oil and/or oleic acid in a mineral oil based mold release composition. Claim 1 has been amended to incorporate the relative percentages of vegetable oil and mineral seal oil as previously set forth in claim 8. Accordingly, claim 1 as amended requires from about 90% to 10% vegetable oil which is significantly outside the range disclosed in the '990 reference. Therefore, applicants respectfully submit that claim 1 as amended is patentable over the '990 reference and request that the rejection of claim 1 and claims 3, 12 and 13 dependent thereon be withdrawn.

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Claims 1, 3-4, 7-9, 12-18, 21 and 25-28 stand rejected as being unpatentable over CN 1129633. The '633 reference discloses a concrete mold-release agent manufactured using waste industrial materials such as alcohol, vegetable oil and waste engine oil. The disclosed compositions also include alkali and water used to prepare the composition as an emulsion. As indicated on page 5 of the translation, the concentration of the emulsion is typically in the range of 10-30% by weight. Therefore, the '633 reference teaches the use of an emulsion containing significant portions of water and therefore fails to render obvious the claims of the present application which are directed to compositions consisting essentially of vegetable oil, petroleum oil and optionally alcohol and/or a fatty acid. Therefore, applicants respectfully submit that the claims now pending are patentable over the '633 reference and request that the rejection under §103(a) be withdrawn.

Claims 10 and 11 were objected to as being dependent upon a rejected base claim, but indicated as being allowable if rewritten in independent form including all limitations of the base claim and any intervening claims. Applicants appreciate the early indication of allowable subject matter, but as indicated above, maintain that broader protection is available for the present invention.

In amending claims 1 and 15 to reflect the elected species, applicants have maintained reference in the claims to the optional inclusion of alcohol in the composition. The inclusion of an alcohol in the form release composition is consistent with the claims as originally presented and support can be found throughout the specification such as in Example 11. New claims 29-32 are directed to embodiments of the invention further containing an alcohol.

In light of the foregoing response, it is respectfully submitted that the claims now pending are patentably distinct from the references cited and are in condition for allowance. Reconsideration and withdrawal of the rejections of record is respectfully requested. If the examiner wishes to discuss any aspect of this response, please contact the undersigned at the telephone number indicated below.


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Respectfully submitted,



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